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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,686	10/05/2001	Ryousuke Fujii	1163-0361P	1861

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT PAPER NUMBER

2617

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/970,686	Applicant(s) FUJII ET AL.	
	Examiner Justin E. Shepard	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/5/2001</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 6 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the phrase "type of string of bits" is not clear to the examiner.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusuvara.

Referring to claim 1, Kusuvara discloses a information processing device comprising: broadcast time extracting means for receiving a broadcast signal and extracting a broadcast time including in the broadcast signal (Solution: lines 1-6); device time obtaining means for obtaining a device time peculiar to the information processing device from an internal clock (Solution: lines 8-9); time difference calculating means for calculating a time difference between the broadcast time extracted by the broadcast time extracting means and the device time obtained by the device time obtaining means (Problem to be Solved: lines 6-9); and estimated broadcast time calculating means for calculating an estimated broadcast time according to the device time obtained by the

device time obtaining means and the time difference calculated by the time difference calculating means (Solution: 10-11).

Kusuhara does not disclose a system where the broadcast system is digital.

At the time of the invention it would have been obvious for one of ordinary skill in the art to use a digital system instead of an analog one. The motivation would have been that digital systems provide more services for subscribers. (Official Notice)

Claim 8 is rejected on the same grounds as claim 1.

Claims 2-7 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusuhara in view of Dinwiddie.

Referring to claim 2, Kusuhara discloses a information processing device according to claim 1, wherein the estimated broadcast time is calculated by the estimated broadcast time calculating means by using the time difference calculated by the time difference calculating means (Solution: lines 10-11)

Dinwiddie discloses a clock that continues to update using old information when it hasn't received any new timing information (column 4, lines 38-40).

Neither references disclose a system where just before the setting of a stopped state of a function of the broadcast time extracting means in cases where the function of the broadcast time extracting means is set to the stopped state.

At the time of the invention it would have been obvious for one of ordinary skill in the art to see that the system disclosed by Kusuhara would continue to estimate a broadcasting time even when it did not receive a signal. The motivation would have

been that a clock that stopped working when it lost its signal wouldn't be useful, and it is known in the art to continue to keep track of time data after the loss of a connection (Dinwiddie: column 4, lines 38-40).

Claim 9 is rejected on the same grounds as claim 2.

Referring to claim 3, Kusahara discloses an information processing device according to claim 2, further comprising storing means for storing the time difference calculated by the time difference calculating means in cases where a request indicating the end of an operation of the information processing device is generated (Solution: line 9).

Kusahara does not disclose a system where the memory is non-volatile.

At the time of the invention it would have been obvious for one of ordinary skill in the art to make the memory non-volatile. The motivation would have been that non-volatile memory is commonly used in products to allow them to work correctly after a power failure (Official Notice).

Claim 10 is rejected on the same grounds as claim 3.

Referring to claim 4, Kusahara does not disclose an information processing device according to claim 1, wherein the estimated broadcast time is corrected by the estimated broadcast time calculating means according to information of a daylight saving time in cases where the information of the daylight saving time is included in the digital broadcast signal.

Dinwiddie discloses an information processing device according to claim 1, wherein the estimated broadcast time is corrected by the estimated broadcast time

Art Unit: 2617

calculating means according to information of a daylight saving time in cases where the information of the daylight saving time is included in the digital broadcast signal (column 4, lines 19-20).

At the time of the invention it would have been obvious for one of ordinary skill in the art to transmit the daylight savings time, as taught by Dinwiddie, in the system disclosed by Kusahara. The motivation would have been that a system that estimates broadcast times would more useful if it estimated the correct times during daylight savings time.

Claim 11 is rejected on the same grounds as claim 4.

Referring to claim 6, Kusahara does not disclose an information processing device according to claim 4, wherein a type of string of bits expressing the information of the daylight saving time is the same as that expressing the time difference calculated by the time difference calculating means.

Dinwiddie does not disclose an information processing device according to claim 4, wherein a type of string of bits expressing the information of the daylight saving time is the same as that expressing the time difference calculated by the time difference calculating means.

At the time of the invention it would have been obvious for one of ordinary skill in the art to have the same type of bit strings for both the time difference and the day light savings time information. The motivation would have been that the DST information was included in the normal time signal, and not an extra bit. (Official Notice)

Claim 13 is rejected on the same grounds as claim 6.

Referring to claim 5, Kusahara does not disclose an information processing device according to claim 1, wherein the broadcast time extracted by the broadcast time extracting means matches with a daylight saving time.

Dinwiddie discloses an information processing device according to claim 1, wherein the broadcast time extracted by the broadcast time extracting means matches with a daylight saving time (column 4, lines 19-20).

At the time of the invention it would have been obvious for one of ordinary skill in the art to transmit the daylight savings time, as taught by Dinwiddie, in the system disclosed by Kusahara. The motivation would have been that a system that estimates broadcast times would more useful if it estimated the correct times during daylight savings time.

Claim 12 is rejected on the same grounds as claim 5.

Referring to claim 7, Kusahara does not disclose an information processing device according to claim 1, further comprising: operation performing means for performing an operation according to the estimated broadcast time calculated by the estimated broadcast time calculating means.

Dinwiddie discloses an information processing device according to claim 1, further comprising: operation performing means for performing an operation according to the estimated broadcast time calculated by the estimated broadcast time calculating means (column 4, lines 54-58).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the broadcast time to signal an event, as taught by Dinwiddie, in the

system disclosed by Kusahara. The motivation would have been to enable parents to stop their children from watching certain television programs when inappropriate shows are on (Dinwiddie: column 4, lines 58-61).

Claim 14 is rejected on the same grounds as claim 7.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schneidewend, U.S. Patent Number 6,966,064, System and Method for Processing Audio-Only Programs in a Television Services.

Usui, U.S. Patent Number 5,808,694, Method and Apparatus for Automatically Setting Time Information in a Multi-Format Digital Television Product.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS


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